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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Patent Application of:

Applicants: **BARETZ, Bruce H. and**
TISCHLER, Michael A.

Application No.: 10/623,198

Date Filed: July 18, 2003

**Title: SOLID STATE WHITE LIGHT
EMITTER AND DISPLAY
USING SAME**

Docket No.: 4241-198 CON

Examiner: Abul Kalam

Art Unit: 2814

Conf. No.: 2836

Customer No.:

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FACSIMILE TRANSMISSION CERTIFICATE

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/steven j. hultquist/

Steven J. Hultquist

August 28, 2009

Date

**SUBMISSION OF DECLARATION OF BRUCE H. BARETZ AND MICHAEL A. TISCHLER
UNDER 37 CFR §1.131 IN U.S. PATENT APPLICATION NO. 10/623,198**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This documents the teleconference of the undersigned attorney on August 26, 2009 with Examiner Abul Kalam concerning Japanese Patent Application H07-176794 filed in the name of Yoshinori Shimizu and

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published on July 14, 1995 ("Shimizu"). Such reference is already of record, having been cited by applicants in a Supplemental Information Disclosure Statement filed January 11, 2005 in this application, and previously considered by Examiner Thao Le.

Shimizu is not prior art to the applicants' claimed invention.

In support of such assertion, enclosed is a Declaration submitted under the provisions of 37 CFR §1.131 by the applicants Bruce H. Baretz and Michael A. Tischler, setting forth facts showing their making of the claimed invention before the July 14, 1995 effective date of Shimizu.

Based on the accompanying Declaration under 37 CFR §1.131 by the applicants Bruce H. Baretz and Michael A. Tischler, and the reasons of record, claims 31, 33-36, 44, 47-48, 51-52, 70-71 and 73-76 are patentable over the art, and in form and condition for allowance.

It is correspondingly requested that a Notice of Allowance be issued for this application.

Respectfully submitted,

/steven j. hultquist/

Steven J. Hultquist
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Attorney for Applicants

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